

JERSEY / JUDGMENT

AG v Page [2000] JRC 49 (17 March 2000)

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JUDGMENT

THE DEPUTY BAILIFF: In September, 1998, the defendant and his then girlfriend came to Jersey and during the course of one day they went on a spree, having stolen some credit cards and then going to a variety of different shops where they obtained goods totalling over £4,000 before returning to England. In normal circumstances the conclusions moved by the Crown would have been absolutely right and the Court would have granted them, notwithstanding much of the mitigation we have heard. However, there are very unusual and indeed exceptional circumstances in this case because Page was arrested for like offences in England and came up before the English Court. By then, he had admitted to the offences which he committed in Jersey in the expectation that they would all be dealt with at the same time. We have been informed by counsel - and we have seen a letter to that effect - that the Court in England was thinking of passing a non-custodial sentence, but was prevented from doing so when it learned that there was an arrest warrant out for the Jersey offences for which Page appears today. Page was sentenced to 2½ years' imprisonment and during that time it is clear from the papers before us that he made great efforts to move forward in his life. He found, however, on being released that he was arrested and brought back for these offences which of course pre-dated his committal to imprisonment by the Court in England. We have heard strong mitigation from Mr. Chapman and we are most grateful to him. He has emphasised a large number of points. I do not propose to go through them all but he has emphasised the question of disparity with the sentence imposed on Miss Evans, who committed the offences with Page. He has emphasised that Page was sentenced to 2½ years' imprisonment and, as I say, was arrested upon his release and that a further sentence now of the sort moved for by the Crown would mean an overall sentence which would really be far too long and much longer than would ever have been imposed by one Court if it had heard all these offences together. Having said that, Jersey is a separate jurisdiction and those who commit crimes here can expect to be punished separately. Mr. Chapman went on to emphasise that Page has reached a turning point in his life. He has remained drug free for a considerable period now and that is supported by the detailed reports we have seen. He has had considerable achievements in prison and again we have read carefully the folder which has been produced which shows that he has made great efforts in prison and it does seem that this is a turning point in his life and that he realises that there is only one way forward, which is not the way he has followed in the past. Putting all these factors together, but most particularly the fact that he has just served a sentence in the United Kingdom and has come over here and now served time on

remand equivalent to a 4½ month sentence, the Court is going to take a chance. We are going to place you on Probation for 12 months and we are going to impose a condition that you attend the SMART programme during that time. Stand up, please, Page. Let me remind you of what being placed on probation requires. First of all, you have to be of good behaviour. In other words, if you commit any further offences, you will be brought back before this Court and sentenced for the offences for which you are before us today. Secondly, you have to reside at such place and work in such employment as the Probation Officer shall direct. And as I say, we are making an additional condition that you attend the SMART course. If, therefore, you disobey the Probation Officer and do not do what he or she says, or if you do not attend the SMART programme, then you will also be brought back before this Court. This Court is giving you a chance. Take advantage of it, because if you breach any of the conditions I think you may regard it as inevitable that you will be sentenced to a term of imprisonment and time that you have already spent would not count in those circumstances towards any sentence which the Court might then pass. The remedy lies in your hands and the Court hopes that its trust in you will be repaid. Authorities AG -v- Milne (26 th October, 1992) Jersey Unreported. AG -v- Dowden & Ors. (6 th August, 1992) Jersey Unreported. AG -v- Hamon (22 nd May, 1998) Jersey Unreported. AG -v- Vaughan (28 th May, 1999) Jersey Unreported. Page Last Updated: 19 Aug 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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